

Q2: Is it possible to delete/simplify “**or adopted for the purpose of satisfying or obtaining authorization or approval under any other Federal law**”?

Q3: Can you review the proposed draft changes to subsection (d)(1)(C) [mirrored in (d)(2)(C)] to ensure the intent of preserving actions (including even chemical restrictions) that states have taken or would take under state statutes to address different health/environmental concerns than those EPA has addressed under TSCA?

(d) Exceptions.—

“(1) ~~IN GENERAL.—SUBSECTIONS (A) AND (B) GENERAL.~~ **Subsection (a)** shall not apply to a statute or administrative action of a State or a political subdivision of a State applicable to a specific chemical substance that—

“(A) is adopted **or authorized** under the authority of, ~~or authorized to comply with, any other Federal law or adopted for the purpose of satisfying or obtaining authorization or approval under~~ any other Federal law;

“(B) implements a reporting, monitoring, or other information collection obligation for the chemical substance not otherwise required by the Administrator under this Act or required under any other Federal law; ~~or~~

“(C) is adopted pursuant to authority under a law of the State or political subdivision of the State related to water quality, air quality, or waste treatment or disposal, ~~unless the action taken by the State or political subdivision of a State— except to the extent that the action—~~

“(i) imposes a restriction on the manufacture, processing, distribution in commerce, or use of a chemical substance; and

“(ii) **(I) addresses the same hazards and or exposures, with respect to the same conditions of use, as is already required by a decision by the Administrator under section 5 or 6;**

**“(II) is taken to address a health or environmental concern that applies to the uses or conditions of use that are included in the scope of a safety determination pursuant to section 6 or the scope of a significant new use rule promulgated pursuant to section 5, but is inconsistent with the action determination of the Administrator under section 6(c)(1)(A) or a rule promulgated by the Administrator under section 6(d); or**

**“(III)“(II) would cause a violation of the applicable action by the Administrator under section 5 or 6; or**

“(2) **NO PREEMPTION OF STATE STATUTES AND ADMINISTRATIVE ACTIONS.**—Nothing in this Act, nor any amendment made by this Act, nor any rule, standard of performance, safety determination, or scientific assessment implemented pursuant to this Act, shall affect the right of a State or a political subdivision of a State to adopt or enforce any rule, standard of performance, safety determination, scientific assessment, or any protection for public health or the environment that—

“(A) is adopted **or authorized** under the authority of, ~~or authorized to comply with, any other Federal law or adopted for the purpose of satisfying or obtaining authorization or approval under~~ any other Federal law;

“(B) implements a reporting, monitoring, **disclosure**, or other information collection obligation for the chemical substance not otherwise required by the Administrator under this Act or required under any other Federal law; ~~or~~

~~“(C) is adopted pursuant to authority under a law of the State or political subdivision of the State related to water quality, air quality, or waste treatment or disposal, unless the action taken by the State or political subdivision of a State—~~ **except to the extent that the action—**

~~“(i) imposes a restriction on the manufacture, processing, distribution in commerce, or use of a chemical substance; and~~

~~“(ii)(I) addresses the same hazards and or exposures, with respect to the same conditions of use as is already required by a decision by the Administrator under section 5 or 6;~~

~~“(II) is taken to address a health or environmental concern that applies to the uses or conditions of use that are included in the scope of a safety determination pursuant to section 6 or the scope of a significant new use rule promulgated pursuant to section 5, but is inconsistent with the action determination of the Administrator under section 6(c)(1)(A) or a rule promulgated by the Administrator under section 6(d);~~

~~“(III)“(II) would cause a violation of the applicable action by the Administrator under section 5 or 6; or~~

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**From:** Karakitsos, Dimitri (EPW) [mailto:Dimitri\_Karakitsos@epw.senate.gov]

**Sent:** Thursday, April 09, 2015 5:13 PM

**To:** Kaiser, Sven-Erik

**Cc:** Black, Jonathan (Tom Udall)

**Subject:** EPA TA

Sven,

Here are a few things we would greatly appreciate some EPA TA on. We may need to discuss some further so if a phone call would be helpful please just let me know and thanks in advance for the help. I am also happy to work with you to help facilitate a call between your folks and some interested parties on the articles language if you think that would help.

Dimitri

#### Articles

It was my understanding that under current TSCA if EPA were looking to regulate an article or articles the Agency would already have somewhat of a higher bar and do some level of extra analysis of finding there is an exposure to a chemical substance from an article or group of articles. I had a brief conversation that I interpreted as the Agency not being against some heightened review to determine when article specific regulations were necessary but clearly we understand the challenges and hurdles the language we have in the bill today seem to cause. Below are two proposals, one from an outside counsel which I don't think addresses all your concerns and one that we worked up to see what you all thought. It is important to us to have something on articles in the bill, striking is not much of an option so if you all can please review and provide guidance we would appreciate.

- ? <!--[if !supportLists]--><!--[endif]-->Proposed language – If the Administrator intends to prohibit or otherwise restrict an article, or a category of articles that perform similar functions and have similar patterns of exposure, on the basis of a chemical substance contained in that article or category, the Administrator shall have evidence of significant exposure to the chemical substance from such article or category.
- ? <!--[if !supportLists]--><!--[endif]-->Draft staff language - New 3A(h)(2)(C)(ii)(III): “ when considering the regulation of an article, or a category of articles, in a rulemaking under section 6, clearly describe the exposure or exposures to the chemical substance determined by the Administrator to be associated with such articles or categories of articles.”

#### Preemption

Waiver – in our State Waivers we have two separate provisions that require a showing of a “compelling state or local” condition or interest. Those provisions were not intended to mean that the state would have to show some different exposures or unique conditions to meet that requirement, it was simply that they had a genuine concern with the substance that led them to request the waiver. Is there some way to clarify?

Exceptions/No Preemption of State Statutes and Administrative Actions – these two provisions other than their intro paragraphs are identical. The request for clarification and TA comes from subsection A in both 1 and 2. I have concern that “for the purpose of satisfying or obtaining authorization or approval under any other federal law” is incredibly broad and could leave loop holes for states to regulate TSCA regulated chemical substances in ways inconsistent with EPA decisions under the law. If EPA for example (possibly not the most eloquent or well thought out example) found a product safe for use in an aerosol application yet a state banned it under their state law to comply with the CAA to reduce VOCs or some other air pollutant – maybe it is one option the state could take “for the purpose of satisfying or obtaining authorization or approval” but it may be one of a range of options – why should that be inconsistent with an EPA TSCA decision. I think at a minimum I would prefer language stating the state level restriction is “necessary” to satisfy or obtain authorization or approval rather than “for the purpose of.”

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/14/2015 5:58:07 PM  
**To:** 'Wilkerson, Jessica' [Jessica.Wilkerson@mail.house.gov]  
**Subject:** Jim Jones Truth in Testimony Form  
**Attachments:** Jim Jones Truth form.pdf

Jessica,  
Please see attached and let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Wilkerson, Jessica [mailto:Jessica.Wilkerson@mail.house.gov]  
**Sent:** Tuesday, April 14, 2015 11:45 AM  
**To:** Kaiser, Sven-Erik  
**Subject:** RE: Invitation to Testify 4/14/15

Thank you.

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**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Tuesday, April 14, 2015 11:45 AM  
**To:** Wilkerson, Jessica  
**Subject:** Re: Invitation to Testify 4/14/15

I'll send it to you

On Apr 14, 2015, at 11:33 AM, "Wilkerson, Jessica" <Jessica.Wilkerson@mail.house.gov> wrote:

Mr. Kaiser,

I'm hoping I didn't just miss you – do you have Administrator Jones' Truth in Testimony form?

JLW

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**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Monday, April 13, 2015 11:43 AM  
**To:** Wilkerson, Jessica  
**Subject:** RE: Invitation to Testify 4/14/15

Thanks. I hear it's a busy day for the committee. Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460

202-566-2753

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**From:** Wilkerson, Jessica [<mailto:Jessica.Wilkerson@mail.house.gov>]  
**Sent:** Monday, April 13, 2015 11:42 AM  
**To:** Kaiser, Sven-Erik  
**Subject:** RE: Invitation to Testify 4/14/15

For this specific hearing, work through me. I will hold three seats.

JLW

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**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Monday, April 13, 2015 11:40 AM  
**To:** Wilkerson, Jessica  
**Subject:** RE: Invitation to Testify 4/14/15

Jessica,  
Thanks. If any issues should I continue to work through you or Nick Abraham? If possible, please hold three seats for EPA please. Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Wilkerson, Jessica [<mailto:Jessica.Wilkerson@mail.house.gov>]  
**Sent:** Monday, April 13, 2015 11:37 AM  
**To:** Kaiser, Sven-Erik  
**Subject:** RE: Invitation to Testify 4/14/15

Received, thank you!

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**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Monday, April 13, 2015 11:30 AM  
**To:** Wilkerson, Jessica; Couri, Jerry  
**Subject:** RE: Invitation to Testify 4/14/15

Jessica,  
Attached please find Jim Jones's testimony for the hearing on Tuesday, April 14, 2015, at 10:15 p.m. before the Subcommittee on Environment and the Economy entitled, "H.R. \_\_\_\_\_, the TSCA Modernization Act of 2015." We will bring the completed truth in testimony form to the hearing. Please let me know if any questions.  
Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

ED\_002117\_00009525-00002

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**From:** Wilkerson, Jessica [<mailto:Jessica.Wilkerson@mail.house.gov>]

**Sent:** Thursday, April 09, 2015 3:51 PM

**To:** Kaiser, Sven-Erik

**Subject:** Invitation to Testify 4/14/15

Assistant Administrator Jones,

Attached is a courtesy copy of your invitation to testify on Tuesday, April 14, 2015, at 10:15 p.m., at the Subcommittee on Environment and the Economy hearing entitled, "H.R. \_\_\_\_, the TSCA Modernization Act of 2015." The formal invitation has been sent in the mail.

Please submit your testimony, truth in testimony, and CV forms electronically to me ([jessica.wilkerson@mail.house.gov](mailto:jessica.wilkerson@mail.house.gov)) by close of business Friday, April 10, 2015.

I have also attached instructions for submitting testimony, a truth in testimony form with instructions, and the 114th Congress Committee rules. Please let me know if you have any questions or concerns.

Thank you,

**Jessica Wilkerson | Legislative Clerk**

U.S. House Committee on Energy and Commerce

(202) 225-2927

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**Committee on Energy and Commerce**  
**U.S. House of Representatives**  
Witness Disclosure Requirement - "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)

<b>1. Your Name:</b> JIM JONES		
<b>2. Are you testifying on behalf of the Federal, or a State or local government entity?</b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>3. Are you testifying on behalf of an entity that is not a government entity?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>4. Other than yourself, please list which entity or entities you are representing:</b>  		
<b>5. Please list any Federal grants or contracts (including subgrants or subcontracts) that you or the entity you represent have received on or after October 1, 2012:</b>  		
<b>6. If your answer to the question in item 3 in this form is "yes," please describe your position or representational capacity with the entity or entities you are representing:</b>  		
<b>7. If your answer to the question in item 3 is "yes," do any of the entities disclosed in item 4 have parent organizations, subsidiaries, or partnerships that you are not representing in your testimony?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>8. If the answer to the question in item 3 is "yes," please list any Federal grants or contracts (including subgrants or subcontracts) that were received by the entities listed under the question in item 4 on or after October 1, 2012, that exceed 10 percent of the revenue of the entities in the year received, including the source and amount of each grant or contract to be listed:</b>  		
<b>9. Please attach your curriculum vitae to your completed disclosure form.</b>  		

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/14/2015 3:44:49 PM  
**To:** Wilkerson, Jessica [Jessica.Wilkerson@mail.house.gov]  
**Subject:** Re: Invitation to Testify 4/14/15

I'll send it to you

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Mr. Kaiser,

I'm hoping I didn't just miss you – do you have Administrator Jones' Truth in Testimony form?

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**To:** Wilkerson, Jessica  
**Subject:** RE: Invitation to Testify 4/14/15

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Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**To:** Kaiser, Sven-Erik  
**Subject:** RE: Invitation to Testify 4/14/15

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Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations



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**To:** Wilkerson, Jessica; Couri, Jerry  
**Subject:** RE: Invitation to Testify 4/14/15

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Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**Sent:** Thursday, April 09, 2015 3:51 PM  
**To:** Kaiser, Sven-Erik  
**Subject:** Invitation to Testify 4/14/15

Assistant Administrator Jones,

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Thank you,

**Jessica Wilkerson | Legislative Clerk**  
U.S. House Committee on Energy and Commerce  
(202) 225-2927

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mage004.png><image005.png>

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/23/2015 12:19:31 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Re: Sen. Markey TSCA TA Request on "Designed By"

Michal, Got it, checking. Will add to the previous TA request. Thanks,  
Sven

On Nov 23, 2015, at 6:41 AM, "Freedhoff, Michal (Markey)" <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Would add to this - does epa have a definition of "replacement part" that I can see? Would it include, for example, a seat cover for a couch, or a piece that replaces a part of a broken toy?

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Kaiser, Sven-Erik  
**Sent:** Thursday, November 19, 2015 7:37 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Sen. Markey TSCA TA Request on "Designed By"

Got it. Also, there was a glitch in the nomenclature TA. We'll try to get it tomorrow, may take an extra day or two.  
Thanks,  
Sven

On Nov 19, 2015, at 7:19 PM, "Freedhoff, Michal (Markey)" <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

This one is on "designed by" in House bill.

I'd like to try to figure out 2 options for this.

- 1) Something that says replacement parts for articles **designed by** the effective date that meet some criteria are exempted from the rule (for example, that it goes into a product that has a longer design cycle, that would be difficult to re-design, etc – the things that would capture the part of the car brakes or plane engine that is hard to re-design, but not the car or plane seat covers covered in flame retardant chemicals that should be easy to redesign).
- 2) Something that puts the "designed by" language into the exemption part of Section 6 in much the same way, instead of option 1 where EPA de facto posture is to HAVE to exempt all replacement parts that meet criteria, change so presumption is that EPA CAN exempt if criteria are met.

I'd like this by early next week if at all possible.

Thanks  
Michal

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey

255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey

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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/14/2015 12:58:31 AM  
**To:** Cohen, Jacqueline [jackie.cohen@mail.house.gov]  
**Subject:** Re: any technical feedback?

Thanks

On Apr 13, 2015, at 8:35 PM, "Cohen, Jacqueline" <[jackie.cohen@mail.house.gov](mailto:jackie.cohen@mail.house.gov)> wrote:

We never managed to touch base but I wanted to give you a heads up on questions. I expect Mr. Tonko to emphasize some of the changes that are needed - setting a minimum number of epa initiated reviews every year, clarifying the standard, and preventing litigation over science decisions best left to the agency. I expect Mr. Pallone to highlight some of the improvements in the bill - removing least burdensome, order authority, substantiation of cbi claims, and removing the limit on fees. He will probably ask if changes are needed to ensure that the fees get to EPA. He may also hit some of the ways he thinks this proposal is better than the Senate bill (articles, coenforcement, pause).

I expect Mrs. Capps to ask about ensuring that costs are not a part of deciding what risk is actionable and protecting vulnerable populations. That is if she can be there.

I expect DeGette to talk about testing if she makes it - the positive of adding order authority but the fact that the catch-22 remains.

I expect Green to hit CBI, EPA's positive work, the resource strain, the need for substantiation going forward.

We will also have questions on resources (how many epa initiated could you do a year with current resources, etc) and the inventory reset if we have members on hand. I think Jim would say that the prescriptive provisions on the inventory in the Senate bill would require more resources than the less prescriptive language in this proposal. Is that right?

---

**From:** Fowler, Jamie [<mailto:Fowler.Jamie@epa.gov>]  
**Sent:** Tuesday, April 07, 2015 05:37 PM Eastern Standard Time  
**To:** Cohen, Jacqueline; Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Subject:** RE: any technical feedback?

Ok, thanks for the head's up. Will loop back on Friday meeting when I nail down a time.

Thanks,  
Jamie

Jamie Fowler  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
202-566-1390  
[fowler.jamie@epa.gov](mailto:fowler.jamie@epa.gov)

---

**From:** Cohen, Jacqueline [<mailto:jackie.cohen@mail.house.gov>]  
**Sent:** Tuesday, April 07, 2015 5:35 PM  
**To:** Fowler, Jamie; Cohen, Jacqueline; Kaiser, Sven-Erik  
**Subject:** Re: any technical feedback?

I am happy to talk friday. Anytime after 11 works for me. We were not able to make most of the changes we discussed before the bill went out, but we did get the "upon request" change made.

---

**From:** Fowler, Jamie [<mailto:Fowler.Jamie@epa.gov>]  
**Sent:** Tuesday, April 07, 2015 05:28 PM Eastern Standard Time  
**To:** Cohen, Jacqueline; Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Subject:** RE: any technical feedback?

Hi Jackie,

Would you be amenable to chatting with Jim Jones and Laura Vaught possibly this Friday? Still getting folks' schedules on this end as Jim is traveling back to DC that day, but if you are amenable, could you shoot me an email and let me know when you're free?

Thanks,  
Jamie

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**From:** Cohen, Jacqueline [<mailto:jackie.cohen@mail.house.gov>]  
**Sent:** Tuesday, April 07, 2015 1:49 PM  
**To:** Fowler, Jamie; Cohen, Jacqueline; Davis, CatherineM; Kaiser, Sven-Erik  
**Subject:** Re: any technical feedback?

2 o'clock works for me, thanks!

---

**From:** Fowler, Jamie [<mailto:Fowler.Jamie@epa.gov>]  
**Sent:** Tuesday, April 07, 2015 01:42 PM Eastern Standard Time  
**To:** Cohen, Jacqueline; Davis, CatherineM <[Davis.CatherineM@epa.gov](mailto:Davis.CatherineM@epa.gov)>; Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Subject:** RE: any technical feedback?

Hi Jackie,

Our technical folks are available to chat with you anytime this afternoon. How does 2pm work? We'll use this call-in information: Dial:  Code:

Thanks,  
Jamie

Jamie Fowler  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
202-566-1390  
[fowler.jamie@epa.gov](mailto:fowler.jamie@epa.gov)

---

**From:** Cohen, Jacqueline [<mailto:jackie.cohen@mail.house.gov>]  
**Sent:** Tuesday, April 07, 2015 1:07 PM  
**To:** Davis, CatherineM; Kaiser, Sven-Erik; Fowler, Jamie  
**Subject:** RE: any technical feedback?

I can be completely flexible. I think the sooner we talk, the better.

I want to note that there have been changes in the text since Friday because a number of additions had been made without my approval. Specifically, all of the references that suggest EPA's risk evaluations would be use by use have been removed because that is not at all the intention.

---

**From:** Davis, CatherineM [<mailto:Davis.CatherineM@epa.gov>]

**Sent:** Tuesday, April 07, 2015 1:05 PM

**To:** Cohen, Jacqueline; Kaiser, Sven-Erik; Fowler, Jamie

**Subject:** RE: any technical feedback?

Hi Jacqueline,

We're checking on availability of the folks who have been working on the TA. What does your availability look like this afternoon?

Cathy Davis  
Office of Congressional and  
Intergovernmental Relations  
202-564-2703  
[davis.catherinem@epa.gov](mailto:davis.catherinem@epa.gov)

Send mail to:  
US Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
MC: 1305A  
Washington, DC 20460

---

**From:** Vaught, Laura

**Sent:** Tuesday, April 07, 2015 1:00 PM

**To:** Cohen, Jacqueline; Kaiser, Sven-Erik

**Cc:** Davis, CatherineM

**Subject:** RE: any technical feedback?

Jacqueline – looping in Cathy Davis from our office to help coordinate a time in Sven's absence.

---

**From:** Cohen, Jacqueline [<mailto:jackie.cohen@mail.house.gov>]

**Sent:** Tuesday, April 07, 2015 12:49 PM

**To:** Vaught, Laura; Kaiser, Sven-Erik

**Subject:** RE: any technical feedback?

That would be great. I am free now.

---

**From:** Vaught, Laura [<mailto:Vaught.Laura@epa.gov>]

**Sent:** Tuesday, April 07, 2015 12:48 PM

**To:** Cohen, Jacqueline; Kaiser, Sven-Erik

**Subject:** RE: any technical feedback?

Sounds like they did find some things to flag. Want to try to hop on a call with some of our technical folks?

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**From:** Cohen, Jacqueline [<mailto:jackie.cohen@mail.house.gov>]

**Sent:** Tuesday, April 07, 2015 10:41 AM

**To:** Vaught, Laura; Kaiser, Sven-Erik

**Subject:** RE: any technical feedback?

Thanks. I understand how bad this week is for everyone, just trying to make any changes we can while we can.

---

**From:** Vaught, Laura [<mailto:Vaught.Laura@epa.gov>]

**Sent:** Tuesday, April 07, 2015 10:40 AM

**To:** Cohen, Jacqueline; Kaiser, Sven-Erik

**Subject:** RE: any technical feedback?

Hi Jacqueline – sorry I missed you yesterday. I was out yesterday, and I think Sven is out today as well. Jim – who is also out this week – has a call set at 11:00 to go over the draft with his technical team now that they have had a day to review, but I'm not sure we'll have feedback until that happens. Will be in touch soon.

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**From:** Cohen, Jacqueline [<mailto:jackie.cohen@mail.house.gov>]

**Sent:** Tuesday, April 07, 2015 10:32 AM

**To:** Vaught, Laura; Kaiser, Sven-Erik

**Subject:** any technical feedback?

We have a matter of hours to make changes in the text of the new TSCA bill before it gets circulated. Were there any major technical issues that jumped out at you?

Jacqueline G. Cohen  
Senior Counsel  
Committee on Energy and Commerce, Democratic Staff  
U.S. House of Representatives  
[jackeline.cohen@mail.house.gov](mailto:jackeline.cohen@mail.house.gov)  
202-225-4407



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 9/20/2016 4:10:26 PM  
**To:** Bogdanoff, Alec (Markey) [Alec\_Bogdanoff@markey.senate.gov]; Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey Inquiry on Schools with PCB issues  
**Attachments:** PCBs in Schools\_R2\_rev2\_09\_15\_2016.pdf; EPA R10 Schools PCBs Summary 09\_19\_2016.pdf

Alec and Michal,  
This responds to the outstanding request on the school summary chart.

1. New list of schools in Region 10 that had some type of PCB issue and general indication of the issue, regulatory action, and date the case was closed or pending.
2. Revised Region 2 table with an update to NYC school entry (1<sup>st</sup> entry, last column) that the NYC schools Preferred City Remedy was approved as final on Sept 9, 2016.

Please let me know if any additional questions on the chart. We're working on the other PCB and TSCA reform requests. Please let me know if timing on anything becomes critical, particularly the TA, as folks are prioritizing that. Also, we're interested in report release timing – perhaps next week or the following week? Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Kaiser, Sven-Erik  
**Sent:** Friday, September 09, 2016 4:17 PM  
**To:** 'Bogdanoff, Alec (Markey)' <Alec\_Bogdanoff@markey.senate.gov>  
**Cc:** Freedhoff, Michal (Markey) <Michal\_Freedhoff@markey.senate.gov>  
**Subject:** RE: Sen. Markey Inquiry on Schools with PCB issues

Alec,  
This responds to the followup request on the chart of schools with PCB issues. We are still working on the last question regarding more details on the Region 10 submission. Please let me know if any additional questions.  
Thanks,  
Sven

- Why was the Kennedy Center listed for Region 3?  
Response: The Kennedy Center was listed mistakenly.

- Why is Sky Valley Education Center in Monroe, WA listed under Region 5 and not Region 10?  
Response: Region 10 asked Region 5 to provide inspection resources through Region 5's TSCA program, and legal support through Region 5s Office of Regional Counsel.

- For Region 7, the list of two universities have the exact same description down to "two building." I just want to confirm that the descriptions should be the same.  
Response: Yes, the descriptions should be the same. Both had a similar situation.

- In Region 8 where none were reported is that because they did not provide a list or have they not dealt with any schools regarding PCBs?

Response: Region 8 has not dealt with any schools regarding PCBs.

- Are there any details available for Region 10? They provide numbers of schools and universities with PCB issues, but no specific list like the other regions.

Response: pending

Sven-Erik Kaiser  
U.S. EPA  
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**From:** Bogdanoff, Alec (Markey) [[mailto:Alec\\_Bogdanoff@markey.senate.gov](mailto:Alec_Bogdanoff@markey.senate.gov)]

**Sent:** Tuesday, August 30, 2016 2:33 PM

**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>

**Cc:** Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)>

**Subject:** RE: Sen. Markey Inquiry on Schools with PCB issues

Good afternoon Sven,

I have a few questions regarding the list of schools you sent us; see below. We also have some outstanding unanswered questions from Michal on PCBs, and would like to know when we can expect a response?

Thanks,  
Alec

- Why was the Kennedy Center listed for Region 3?
- Why is Sky Valley Education Center in Monroe, WA listed under Region 5 and not Region 10?
- For Region 7, the list of two universities have the exact same description down to "two building." I just want to confirm that the descriptions should be the same.
- In Region 8 where none were reported is that because they did not provide a list or have they not dealt with any schools regarding PCBs?
- Are there any details available for Region 10? They provide numbers of schools and universities with PCB issues, but no specific list like the other regions.

EPA Region 10 -- Summary of PCBs Issues in Schools (K-12 and university), September 2016							
<i>School and/or District Name</i>	<i>Address</i>	<i>State</i>	<i>School buildings</i>	<i>Status*</i>	<i>PCB Material**</i>	<i>Date Closed</i>	
<b>K-12 Schools</b>							
Anchorage School District	1301 Labar Street, Anchorage, AK 99515	AK		Notice of Violation or Notice of Deficiency, no follow up action		2012	
Anchorage School District	1301 Labar Street, Anchorage, AK 99515	AK		Enforcement Action-CAFO	Fluorescent Light Ballasts	2014	
Annette Island School District	4th and Milton Metlakatla AK 99926	AK		Cleanup and Disposal Approval Issued		2010	
Fairbanks North Star Borough School District	520 5th Ave Fairbanks AK	AK	Anderson Elementary School; Nordale Elementary School; Hunter Elementary School (on Eielson Air Force Base)	Enforcement Action-CAFO		2002	
Nanwalek School	Nanwalek, AK	AK		Inspection or letter of advisement only, no action		2010	

EPA Region 10 -- Summary of PCBs Issues in Schools (K-12 and university), September 2016							
School and/or District Name	Address	State	School buildings	Status*	PCB Material**	Date Closed	
Boise School District	(A) 400 W Fort St Boise ID 83702; (B) 1207 W Fort St Boise ID 83702; (C) 1725 E Warm Springs Ave Boise ID 83712; (D) 1010 W Washington St Boise ID 83702; (E) 4426 Catalpa Drive Boise ID 83703; (F) 1914 Broadway Boise ID 83706; (G) 911 Mountain Cove Rd Boise ID 83724; (H) 1105 N 13th St Boise ID 83702; (I) 5015 Pierce Park Boise ID 83714; (J) 908 E Jefferson St Boise ID 83712; (K) 3101 Cassia St Boise ID 83705; (L) 1607 N 15th St Boise ID 83702	ID	(A) Facility and Operation Yard; (B) Boise Administrative Office; (C) Adams Elementary School; (D) Boise High School (E) Collister Elementary School; (F) Garfield Elementary School; (G) Mt. Cove Elementary School; (H) North Junior High School; (I) Pierce Park Elementary School; (J) Roosevelt Elementary School; (K) South Junior High School; (L) Washington Elementary School	Enforcement Action-CAFO		2002	

# EPA Region 10 -- Summary of PCBs Issues in Schools (K-12 and university), September 2016

<i>School and/or District Name</i>	<i>Address</i>	<i>State</i>	<i>School buildings</i>	<i>Status*</i>	<i>PCB Material**</i>	<i>Date Closed</i>
Medford School District	(A) 1501 E Jackson Medford OR 97504; (B) 2323 Siskiyou Blvd Medford OR 97504; (C) 286 Mace Road Medford OR 97504; (D) 655 Hueners Ln Jacksonville OR 97530; (E) 320 W 2nd St Medford OR 97501; (F) 2838 W Main St Medford OR 97501; (G) 156 Upper Applegate Rd Jacksonville OR 97530; (H) 1551 Cunningham Ave Medford OR 97501; (I) 1551 Cunningham Ave Medford OR 97501; (J) 610 S Peach St Medford OR 97501; (K) 1900 N Keene Way Drive Medford OR 97504; (L) 2430 Griffin Creek Rd Medford OR 97501; (M) 1400 Johnson St Medford OR 97504; (N) 7340 Southwest Hunziker Road, Ste 220, Tigard, OR 97223	OR	(A) Hedrick Middle School; (B) Hoover Elementary School; (C) Howard Elementary School; (D) Jacksonville Elementary School; (E) McLaughlin Middle School Gym and Annex; (F) Oak Grove Elementary School; (G) Ruch Elementary School; (H) South Medford High School; (I) South Medford High School Stadium; (J) Washington Elementary School; (K) North Medford High School; (L) Griffin Creek Elementary School; (M) Wilson Elementary School; (N) Ash Organization (Wershow-Ash-Lewis)	Enforcement Action-CAFO		2012

EPA Region 10 -- Summary of PCBs Issues in Schools (K-12 and university), September 2016						
<i>School and/or District Name</i>	<i>Address</i>	<i>State</i>	<i>School buildings</i>	<i>Status*</i>	<i>PCB Material**</i>	<i>Date Closed</i>
Ashland School District	(A) 201 S. Mountain Ave. Ashland OR 97520; (B) 100 Walker Ave. Ashland OR 97520; (C) 705 Helman Ashland OR 97520; (D) 364 Walker Ashland OR 97520; (E) 320 Beach Ashland OR 97520; (F) 265 N. Main St. Ashland OR 97520; (G) 885 Siskiyou Blvd. Ashland OR 97520;	OR	(A) Ashland High School; (B) Ashland Middle School; (C) Helman Elementary School; (D) Walker Elementary School; (E) Lincoln School; (F) Briscoe School; (G) Ashland School District Offices	Cleanup Approval Issued		2007
Affairs Chemawa Indian School (BIA)	3700 Chemawa Rd NE Salem OR 97305	OR	Chemawa Indian School	Notice of Violation or Notice of Deficiency, no follow up action	capacitors	2007
Butte Falls School District	(A) 293 Main St. Butte Falls OR 97522; (B) 625 Fir St. Butte Falls OR 97522	OR	(A) Butte Falls Elementary; (B) Butte Falls Middle/High School	Cleanup and Disposal Approval Issued		2005
Camas Valley School District	197 Main Camas Rd Camas Valley OR 97413	OR		Enforcement Action-CAFO		2003
Central Linn School District	239 W Second St Halsey OR 97348	OR	Central Linn Elementary School	Cleanup and Disposal Approval Issued		2006

EPA Region 10 -- Summary of PCBs Issues in Schools (K-12 and university), September 2016						
<i>School and/or District Name</i>	<i>Address</i>	<i>State</i>	<i>School buildings</i>	<i>Status*</i>	<i>PCB Material**</i>	<i>Date Closed</i>
Central Point School District	(A) 4410 Rogue Valley Blvd. Central Point OR 97502; (B) 806 6th Ave. Gold Hill OR 97525; (C) 1001 Mansanita St. Central Point OR 97502; (D) 1500 2nd Ave. Gold Hill OR 97525; (E) 200 W Pine St. Central Point OR 97052; (F) 14235 Table Rock Rd. Central Point OR 97502	OR	(A) Crater High School; (B) Hanby Middle School; (C) Jewett Elementary School; (D) Patrick Elementary School; (E) Richardson Elementary School; (F) Sam's Valley Elementary School	Cleanup and Disposal Approval Issued		2005
Coos Bay Public School	1255 Hemlock Ave Coos Bay, OR 97420	OR	Administrative Building; Blossom Gulch Elementary School; Bunker Hill Elementary School; Eastside Building, Harding Building; Madison Elementary School; Marshfield High School; Millicoma Intermediate School; Sunset Middle School	Cleanup and Disposal Approval Issued		2007
Coquille School District	(A) 499 W Central Blvd Coquille, OR 97423; (B) 1115 N Baxter St Coquille OR 97423; (C) 1366 N Gould St Coquille OR 97423	OR	(A) Coquille High School; (B) Coquille Valley Middle School; (C) Lincoln Elementary School	Cleanup and Disposal Approval Issued		2007
Crane School District	43277 Crane Venator Ln Crane OR 97732	OR	Crane Elementary; Crane Union High School	Cleanup and Disposal Approval Issued		2006